

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO THE ARTS COMMISSION AND ALLOCATION OF THE MUNICIPAL ART FUND, AND AMENDING ARTICLE II OF CHAPTER 2.100 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, the Olympia City Council wishes to expand the definition of "public art" to include performing art, when approved in the Municipal Art Fund; and

WHEREAS, the Council also wishes to make other edits to Olympia Municipal Code Chapter 2.100, Article II;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 2.100. Olympia Municipal Code Chapter 2.100, Article II, is hereby amended to read as follows:

Article II. ARTS COMMISSION

- 2.100.100 Established - Purpose.
- 2.100.110 Duties of Commission.
- 2.100.120 Budget.
- 2.100.130 Public Art --Purpose.
- 2.100.140 Public Art--Duties of Commission.
- 2.100.150 Public Art--Allocation of Municipal Funds.
- 2.100.160 Public Art--Definitions.
- 2.100.170 Public Art--Funds for Works of Art.
- 2.100.180 Public Art--~~Municipal Arts Fund~~Municipal Art Fund.
- 2.100.190 Public Art--Administrative Guidelines --Public Art, Art Programs and Services.
- 2.100.200 Public Art--Maintenance and Conservation of Public Art.
- 2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept.
- 2.100.220 Donations for Community Art Programs and Services; Application of Ordinance.
- 2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established.
- 2.100.240 Appropriation of Donations for Art Programs and Services.

2.100.100 Established--Purpose

There is hereby established an Arts Commission (the Commission) to accomplish the following:

- A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine and performing arts and the cultural heritage of the area; and
- B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and

C. To provide local artistic and cultural services to citizens of the Olympia area by making available to the City and its citizens expertise on the subject of visual and performing arts and cultural heritage; and

D. To encourage donations, grants or other support to further expand artistic, cultural programs and services for the citizens of the Olympia area; and

E. To reach out to and work with the governments, institutions and citizens of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the commission.

2.100.110 Duties of Commission

The Commission is empowered to take the following actions:

A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine and performing arts, and the area's cultural heritage;

B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;

C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;

D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to citizens of Olympia and the region;

E. To encourage participation in local artistic and cultural events and programs by citizens and governments of neighboring jurisdictions;

F. Review all proposed donations for art programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation on the proposed donation(s) to the director of Parks, Arts, and Recreation ~~and Cultural Services Department~~ and the City Manager for formal acceptance or rejection;

G. Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services;

H. To take such other actions as the City Council may direct from time to time.

2.100.120 Budget

The Commission's programs and operating expenses shall be funded from the City general fund and from grants, donations and other like sources. The City Manager shall include said budget within the annual operating budget of the City.

2.100.130 Public Art--Purpose

The City ~~accepts a responsibility for~~ wishes to expanding experience with visual and performing art. Such art has enabled people in all societies to understand more clearly their communities and individual lives. Artists capable of creating art for public places must be encouraged and Olympia's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City and to explore means for encouraging artists to live and work in Olympia. When opportunities and funding allow, the City may also support performing art in public places when such performing art is consistent with the Municipal Art Plan.

2.100.140 Public Art--Duties of Commission

To carry out its responsibilities hereunder, the Commission shall:

A. Prepare and recommend to the City Council for approval a ~~plan~~ Municipal Art Plan and guidelines to carry out the City's ~~art program~~ Public Art Program, which shall include, but not be limited to:

1. a method or methods for the selection of artists or works of art and for placement of works of art that are attached or detached within or about any municipal construction project or other at municipally owned, leased or rented property;
2. support of performing art programs, if consistent with the Municipal Art Plan.

B. Recommend purchase of works of art or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the ~~arts commission's~~ Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.

C. Review all proposed ~~gifts donation~~ of works of art to the City, proposed ~~gifts donation~~ of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed ~~gifts donation~~ of sites for works of art to ensure that such ~~gifts donations~~ are consistent with the goals of the Commission and the City.

D. Promulgate rules and regulations consistent with Sections 2.100.130 through 2.100.170 to facilitate the implementation of ~~its~~ the Arts Commission's responsibilities hereunder.

2.100.150 Public Art--Allocation of Municipal Funds

The ordinance codified in Sections 2.100.130 through 2.100.170 of this chapter provides allocations of certain municipal funds for the purpose of selecting, acquisitioning and installing art works in public places and further provides that moneys collected be held in a "~~municipal arts fund~~Municipal Art Fund" to be expended for projects and programs as prescribed in the "~~municipal arts plan~~Municipal Art Plan" to be developed by the ~~arts commission~~ Arts Commission. All works of art purchased and commissioned under the ~~municipal arts plan~~ Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the ~~City arts program~~Arts Program.

Moneys in the ~~municipal arts fund~~ Municipal Art Fund may also be used for the following:

1. toward the creation of a live/work housing project for local artists;
2. toward the City's Public Art, as provided in the Municipal Art Plan.

2.100.160 Public Art--Definitions

A. "Commission" means the Olympia Arts Commission.

B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct or remodel any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

D. "~~Municipal arts plan~~Municipal Art Plan" means a plan outlining the City expenditures of designated funds for ~~public art~~Public Art projects for a one-year period.

E. "Public Art" includes visual and performing arts.

EF. "Routine maintenance" means:

1. Those activities associated with keeping an art work and its setting clean and well-ordered ~~as specified by the artist at the time of completion of the art work~~; and
2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

2.100.170 Public Art--Funds for ~~Works of~~ Public Art

Moneys for the ~~municipal art fund~~ Municipal Art Fund shall be secured through the following methods:

A. An annual amount equaling up to one dollar per capita may be appropriated from the City's general fund for ~~works-of-art~~ Public Art; and

B. All requests for appropriations from the ~~Capital Improvement Project (CIP) budget~~ general fund for new construction projects visible and usable by the public, and exceeding five hundred thousand dollars shall include an amount equal to one percent of the estimated construction cost of such project for ~~works-of-art~~ Public Art.

C. The arts program manager, in consultation with city management and department directors, may suggest to the City Council other appropriate funds on a project basis.

2.100.180 Public Art--~~Municipal Arts Fund~~Municipal Art Fund

There is established in the City treasury a special fund designated "~~municipal-arts-fund~~Municipal Art Fund" into which shall be deposited funds appropriated as contemplated by Section 2.100.170, together with gifts or bequests to the City for ~~public-arts~~ such purpose, and other funds as the City Council shall appropriate for ~~works of-art~~ Public Art, and from which expenditures may be made for specific ~~works-of-art or for works-of-art~~ Public Art in accordance with the ~~plan-Plan~~ specified in Section 2.100.140. Moneys in the ~~municipal-arts-fund~~Municipal Art Fund may also be used toward the creation of a live/work housing project for local artists. Separate accounts shall be established within the ~~municipal-arts-fund~~Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. A percentage of the ~~municipal-art fund~~Municipal Art Fund will be appropriated for administrative costs associated with the project. Arts program staff salaries will not be funded from the ~~municipal-art fund~~Municipal Art Fund, except where specifically provided for art conservation. Donations received for ~~public-art~~Public Art projects and purposes shall be administered pursuant to applicable policies adopted by the ~~arts-commission and Parks, Recreation and Cultural Services Department~~ City.

The interest accruing in the ~~municipal-arts-fund~~Municipal Art Fund shall be segregated as an art conservation reserve. Moneys held in the art conservation reserve may be expended for staff time, professional services, supplies, and operating costs associated with the conservation, repair, restoration, or maintenance of works of ~~public-art~~Public Art as prescribed in an annual maintenance plan to be developed by the ~~arts-commission~~ Arts Commission. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special maintenance projects as recommended by the ~~arts-commission~~ Arts Commission and ~~as~~ approved by the City Council.

2.100.190 Administrative Guidelines--~~Public Art, Art Programs and Services~~

The City Manager or designee is hereby authorized to promulgate administrative guidelines to carry out the provisions of Sections 2.100.130 through 2.100.240. Any major changes to said guidelines shall be submitted to the council for review.

2.100.200 Public Art--Maintenance and Conservation of Public Art

Routine maintenance of works of ~~public art~~Public Art shall be performed by the ~~Park Services Division of the Department of Parks, Arts and Recreation and Cultural Services Department~~ consistent with the artist's specifications whenever possible. Minor routine costs shall be borne by ~~that division's~~the Parks, Arts and Recreation Department's budget. When routine maintenance costs exceed the resources of the ~~Park Services Division Parks, Arts and Recreation Department~~, the Commission, in consultation with the arts program staff, may recommend the expenditure of art conservation reserve funds to support the cost of supplies and labor to perform routine maintenance.

Conservation, repair, and restoration of works of ~~public art~~Public Art, once determined to be required by arts program staff and the ~~arts commission~~Arts Commission, shall be performed by the artist or other contractor and the costs shall be fully born by the arts conservation reserve.

2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept

The City Manager is hereby authorized to accept on behalf of the City of Olympia donations for community art programs and services and to carry out any conditions of the donation, so long as such conditions are within the authority of the City ~~to meet~~. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Olympia and ~~express appreciation therefor~~ an expression of appreciation.

Prior to making his/her determination whether to accept a donation or whether any condition thereof is within the authority of the City, the City Manager shall receive and review the recommendation of the ~~commission~~ Arts Commission and the ~~Director of the Parks, Arts and Recreation and Cultural Services Department~~.

2.100.220 Donations for Community Art Programs and Services; Application of Ordinance

Sections 2.100.210, 2.100.230, 2.100.240 of this ~~ordinance~~ Chapter shall govern the receipt, holding and allocation of funds donated to the City only for the purpose of supporting community art programs and services.

2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established

There is ~~hereby established in the City treasury~~ a special revolving account designated the "Community Arts Account" within the Special Accounts Control Fund. Donated funds received for community art programs and services pursuant to Sections 2.100.210, 2.100.230, and 2.100.240 shall be deposited into the "Community Arts Account," ~~established herein~~. Funds held within the Community Arts Account shall be expended upon appropriation for arts programs and services set forth in the ~~plan~~ Municipal Art Plan for such programs and

services approved by the City Council ~~on the recommendation of the commission pursuant to Section 2.100.110 of the Olympia Municipal Code as herein amended.~~

2.100.240 Appropriation of Donations for Art Programs and Services

Any donation given and received without conditions may be appropriated, pursuant to the ~~plan~~ Municipal Art Plan referenced in ~~Section 2.100.230 above,~~ for the enhancement or expansion of existing city art programs and services, or for the development of new art programs or services. If an approved donation is conditional, it shall be deposited in the Community Arts Account and may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the Community Arts Account." Enhanced or expanded art programs and services funded from the Community Arts Account will continue only if ~~funds for those particular programs and services are appropriated out of future funds available within the Community Arts Account~~ are available to continue such programs.

Section 2. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 4. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: